CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

MARCH 15, 2005

INVOCATION:
Pastor John Wheeler of the Santa Maria Foursquare Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Members of the Camp Fire USA led the pledge of allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino.

STAFF MEMBERS PRESENT
City Manager Ness, Assistant City Manager Haydon, City Attorney Trujillo, Police Chief Macagni, Community Development Director Lindsey, Assistant Fire Chief Moreno, Director of Recreation and Parks Posada, Director of Administrative Services Snodgrass, Director of Utilities Chisam, Planner III Shipsey, City Engineer Sweet, Senior Civil Engineer Nybo, and Chief Deputy City Clerk Perez.

PROCLAMATION – STUDENT ART SHOW
Councilmember Patino read a proclamation declaring March 19 – April 10, 2005, as the "25th Annual Student Art Show Event" in the City of Santa Maria and urging citizens to become involved in local art as participants or patrons. The proclamation was accepted by Lilian Felty and Geraldine Starowicz.

PROCLAMATION – ABSOLUTELY INCREDIBLE KIDS DAY
Councilmember Orach read a proclamation declaring March 17, 2005, as "Absolutely Incredible Kids Day" in the City of Santa Maria and encouraging and urging all adults – moms and dads, grandparents, aunts and uncles, teachers, mentors, and other adults alike to participate in making a difference in the life of a child by sending them a letter or a note expressing their feeling of love and appreciation. The proclamation was accepted by Tami Lacourse and members of Camp Fire USA.

PROCLAMATION – NATIONAL COMMUNITY DEVELOPMENT WEEK
Councilmember Orach read a proclamation declaring the week of March 28 – April 3, 2005, as "National Community Development Week" in the City of Santa Maria and encouraging members of the public to promote responsible development of our community for the benefit of all Santa Maria. Phyllis Rodenberger of the Block Grants Advisory Committee accepted the proclamation.

VOLUNTEERS OF THE MONTH
Councilmember Trujillo presented a gift to Leona and Joe Dulansky recognizing them as the March 2005 Recreation and Parks Volunteers of the Month for their dedication of time and energy in running the Book Exchange at the Elwin Mussell Center.

PUBLIC COMMENT
Bob Ziener spoke regarding the article in the Santa Maria Sun featuring City Manager Tim Ness, the need for good community public relations during the Michael Jackson trial, and the need to establish a Hospitality Committee.

Jim May commended the City Council, City Manager and City staff, and spoke in favor of the new Municipal Electrical Utility.

Joan Walker, City Hall Docent, commended and thanked Councilmember Mariscal for assisting her with a tour of school children from Pacific Christian School.

Ernest Armenta spoke regarding the Municipal Electrical Utility being restricted to new development instead of available to everyone, potholes in the Peppertree Plaza parking lot, and Measure D.

William Wagener spoke regarding repeated requests for documents regarding funding from Comcast, failure of the City Council to adopt a resolution opposing the war in Iraq, and recommending the City Council file a malicious prosecution lawsuit against District Attorney Tom Sneddon for costing the City and County so much money for the Michael Jackson trial.

City Manager Ness explained that he had responded several times to Mr. Wagener regarding his request for information and had offered to make the files available for him to inspect at his convenience. Mr. Wagener had not done that. He also reported that the City's cost associated with the Michael Jackson trial was costing less than expected with the City spending less than $20,000 so far in overtime costs. The City was recouping those costs through the rent of parking spaces and office space to the news media.

CONSENT CALENDAR
Councilmembers Trujillo and Patino requested Item 3N be pulled for comment.

Item 3N – Notice of Contract Completion for the Santa Maria Valley Railroad Multi-Purpose Trail.
Councilmember Trujillo pointed out that this was another example where the City had done something good for the community. He had received a number of comments from people who approved of the City's efforts to provide more recreational opportunities for the community.

Councilmember Patino had no additional comments.

Consent Calendar Items A through Q were approved with the indicated action on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar will be adopted by the same vote cast at the first reading unless City Council indicates otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of March 1, 2005, were approved as submitted.

C. POLICY FOR FINES
Resolution No. 2005-40 was adopted approving a policy for assessing and waiving fines for the late filing of Fair Political Practices Commission regulated documents.

Resolution No. 2005-40 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A WRITTEN POLICY FOR ASSESSING AND WAIVING FINES FOR THE LATE FILING OF FPPC REGULATED DOCUMENTS.

D. PERSONNEL CHANGES
Resolution No. 2005-41 was adopted approving certain personnel changes.

Resolution No. 2005-41 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING PERSONNEL CHANGES ASSOCIATED WITH JOB CLASSIFICATIONS, EQUITY ADJUSTMENTS, AND AN ADJUSTMENT TO THE PERSONNEL COMPLEMENT OF THE CITY.

E. BOND RELEASES
A Faithful Performance Bond for North Preisker Ranch, Tract 5764, Phase 1, Units 2 & 3 in the reduced amount of $50,000 for the construction and installation of public improvements was

released with the order that the Contractor, Labor and Material Bond be held until September 2005, and the Guarantee and Defective Material Bond be held until March 2006.

A Faithful Performance Bond for North Preisker Ranch, Tract 5764, Phase 4 in the reduced amount of $100,000 for the construction and installation of boundary walls was released with the order that the Contractor, Labor and Material Bond be held until September 2005.

A Faithful Performance Bond for North Preisker Ranch, Tract 5764, Phase 5 in the amount of $635,931.01 for the construction and installation of public improvements was released with the order that the Contractor, Labor and Material Bond be held until September 2005, and the Guarantee and Defective Material Bond be held until March 2006.

F. WARRANTS
Warrant Nos. 118635 to 118950 in the amount of $1,916,170.37 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 1122803, 117828, 118473, 118603, 112190, 1171154, 118426, 118669, 118675, 118685, 118688, and 118700 were cancelled.

G. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads as shown on records on file in the Administrative Services Department and having been approved for payment by the Director of Administrative Services.

H. ABC LICENSE
An application for an Alcoholic Beverage License for Sunbelt Vineyards located in an existing warehouse (Central Coast Wine Warehouse) at 2717 Aviation Way was noted and filed.

I. ORDINANCE NO. 2005-02
Second reading of Ordinance No. 2005-02, rezoning 20 acres of property at the northwest corner of Fremont Street and East Main Street for the Silva Estates II (La Ventana) project was conducted and the ordinance was adopted.

Ordinance No. 2005-02 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, REZONING APPROXIMATELY 20 ACRES OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF FREMONT STREET AND EAST MAIN STREET.

J. ORDINANCE NO. 2005-03
Second reading of Ordinance No. 2005-03, rezoning property at 1137 West Church Street for Rafael Arias (Lo Mejor de Jalisco) project was conducted and the ordinance was adopted.

Ordinance No. 2005-03 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, REZONING APPROXIMATELY 0.19 ACRES OF PROPERTY LOCATED AT 1137 WEST CHURCH STREET.

K. CALL FOR BIDS
Council authorized the call for bids on the plans and specifications for Sanitary Trunk Sewer Replacement (100 Blk. South Oakley Avenue to 100 Blk. West Cook Street), Bid No. 2005/11.

L. FINANCING PLAN FOR BUSES
Resolution No. 2005-42 was adopted authorizing a financing plan for the purchase of four Optima Opus Buses from the Municipal Services Group for the Intercommunity Transit Service - Santa Maria to Lompoc.

Resolution No. 2005-42 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING A FINANCING PLAN FOR PURCHASE OF FOUR OPTIMA OPUS BUSES FOR THE INTERCOMMUNITY TRANSIT SERVICE - SANTA MARIA TO LOMPOC.

M. ANNUAL WEED ABATEMENT PROGRAM
Resolution No. 2005-43 was adopted declaring weeds to be a public nuisance and commencing proceedings for the abatement of said nuisances; and setting a public hearing for April 19, 2005, to consider any objections or protests to said 2005 Annual Weed Abatement Program.

Resolution No. 2005-43 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, DECLARING THAT NOXIOUS AND DANGEROUS WEEDS WERE GROWING UPON OR IN FRONT OF THE LISTED PROPERTY, AND RUBBISH, REFUSE AND DIRT WERE UPON OR IN FRONT OF THE LISTED PROPERTY AND THAT THEY CONSTITUTE A PUBLIC NUISANCE WHICH MUST BE ABATED, AND COMMENCING PROCEEDINGS FOR THE ABATEMENT OF SAID NUISANCES PURSUANT TO TITLE 5, CHAPTER 8 OF THE SANTA MARIA MUNICIPAL CODE.

N. NOTICE OF COMPLETION

Council approved a Notice of Contract Completion for Santa Maria Valley Railroad Multi-Purpose Trail – Phase IB, Bid No. 2005/05.

O. NO STOPPING ZONES

Resolution No. 2005-44 was adopted establishing no stopping zones on West Carmen Lane along the northerly and southerly right-of-way of West Carmen Lane between "A" Street and Trinity Drive.

Resolution No. 2005-44 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING NO STOPPING ZONES ON WEST CARMEN LANE PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

P. 30-MINUTE PARKING ZONE

Resolution No. 2005-45 was adopted establishing a 30-minute limited time parking zone along the westerly right-of-way of McClelland Street beginning 144 feet south of the southerly right-of-way line of Boone Street, then commencing south for 46 feet.

Resolution No. 2005-45 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A 30-MINUTE LIMITED TIME PARKING ZONE ON McCLELLAND STREET PURSUANT TO SECTION 7-5.14 OF THE SANTA MARIA MUNICIPAL CODE.

Q. TWO-HOUR PARKING ZONE

Resolution No. 2005-46 was adopted establishing a two-hour limited time parking zone on Park Avenue along the southern right-of-way, beginning 61 feet east of the easterly right-of-way of Broadway then commencing easterly for 119 feet.

Resolution No. 2005-46 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A TWO-HOUR LIMITED TIME PARKING ZONE ON PARK AVENUE PURSUANT TO SECTION 7-5.14 OF THE SANTA MARIA MUNICIPAL CODE.

MOSAIC TILE- TOWER ELEMENT PROJECT PRESENTATION

Cheryl Weiss from Allan Hancock College gave a brief presentation on the concepts and plans being proposed for the mosaic tile project on the Betteravia Road/Highway 101 overpass tower elements. The mosaic tiles for the Donovan Road/Highway 101 and Stowell Road/Highway 101 interchange tower elements were created by class members of the Fine Arts Department of Allan Hancock College, under the direction of Professor Bob Nicols. She is the tile mural project manager for this new project. She presented Council with the colored renderings for the mosaic tiles that will be placed on the tower elements of the Betteravia Road/Highway 101 interchange.

ECONOMIC DEVELOPMENT ASSOCIATION PRESENTATION

Jerri Akins, Executive Director of the Santa Maria Valley Economic Development Association (EDA), presented the Continued Prosperity Program Report for July to December 2004. She gave a brief overview of the EDA's business retention activities and visitations for the period which included Coca-Cola Bottling Company, Harley Davison, Wasco, Inc., Electronic School Supply, Froz-sun Foods, as well as others. She also discussed the Continued Prosperity Program activities, including 108 marketing material packets mailed, updates to the EDA's web page, and trade shows attended. On behalf of the EDA Board of Directors, she thanked the Council for its support and said the EDA would still continue to fulfill its 43-year old goals.

Ernest Armenta suggested the EDA consider attending educational, petroleum, and auto parts trade shows to bring more jobs to the City.

APPEAL OF PLANNING COMMISSION APPROVAL – TED ZENICH GARDENS

City Attorney Trujillo stated the appeal before the City Council challenged two density bonus credits concerning a reduction in parking requirements and a reduction in setback requirements. The scope of the appeal is to determine whether the Planning Commission's approval of the project is supported by its findings and whether the findings are supported by substantial evidence in the record. The appeal before the Council is a new hearing and any evidence is allowed, but it would be helpful if it was taylored to the findings that the Council must make to either approve or deny the project.

Planner III Shipsey presented the staff report. The item is an appeal by Anna Artiaga of a Planning Commission's approval of a Planned Development Permit for the Ted Zenich Gardens project. The project is a request by the Housing Authority to construct a 25-unit apartment complex with 38 off-street parking spaces. The Planning Commission first considered the application on September 1, 2004. Due to concerns voiced by the surrounding neighbors, the Planning Commission continued the item and directed the Housing Authority to meet with the neighbors. Following public input, the Housing Authority revised the project elevations, access and parking. The project was reduced to 24 units with 43 parking spaces. On February 2, 2005, the Planning Commission voted 5-0 to approve the project as revised. In doing so the Planning Commission made findings for approval in accordance with Santa Maria Municipal Code Section 12-35.207 (Density Bonus). The Planned Development Permit approval included two incentives: allowing on-site parking reductions from 48 to 43 parking spaces and covered parking reductions from 24 to 23 spaces; and setback reductions to allow parts of the buildings to protrude into the established setback areas for the front, rear, and side-yard. On February 15, 2005, an appeal was filed by Anna Artiaga who cites the density bonus concessions as the reason for the appeal. Because the Housing Authority is a state chartered non-profit housing corporation, 100 percent of the units for the Ted Zenich Gardens project would be affordable to qualified households earning less than 80 percent of the County median income, based on the size of the household, for each unit. Additional incentives for affordable units are discussed under the density bonus provisions of the Municipal Code where it states that, "the City shall, through a planned development permit, or subdivision, either: (1) reduce development standards, modify zoning requirements, architectural design requirements, or Public Works requirements which result in identifiable cost reductions; or (2) provide other regulatory incentives or concessions proposed by the developer or the City, so as to result in identifiable cost reductions; or (3) allow the developer to pay development impact fees over a period of time not to exceed three years in equal installments." The Municipal Code also states "in cases where the developer agrees to construct both twenty percent of the total units for lower income households and ten percent of the total units for very low income households, the developer is entitled to one additional incentive".

Mr. Shipsey continued his presentation. The appeal indicates street parking is limited and three and four bedroom units suggest more than one car per unit. Evidence submitted by the Housing Authority indicates that automobile ownership in other Housing Authority projects is lower than the total number of parking spaces required. The parking issue is also addressed in the Special Conditions contained in the Planned Development Permit. The second point listed in the appeal was reduction of setbacks and unsuitable location. After receiving testimony in support of the project, the Planning Commission found that reducing the setbacks did not adversely effect the public health, safety and welfare. Residential uses are better located near schools, like Fesler Junior High School, to allow students to walk to school. The need for affordable housing is a State and local concern, and the need far exceeds the supply. The Housing Authority cited a waiting list of over 4,000 households in the City of Santa Maria. Because the project site is surrounded by four different land uses, it is not an easy site to design for any use. The Housing Authority has attempted to respond to concerns of the adjacent property owners.

Mayor Lavagnino asked if the Council could increase the on-site parking from the 43 spaces to 48 spaces and give the Housing Authority an incentive of reduction in fees.

Director of Community Development Lindsey stated it would be a matter of whether the additional parking would make the project infeasible and also how much of a fee reduction would be given.

Mayor Lavagnino opened the Public Hearing.

John Polanskey, Housing Authority of the County of Santa Barbara, presented updated information regarding the Section 8 housing and public housing waiting lists. He addressed neighbors' concerns expressed at the Planning Commission meetings and what steps the Housing Authority had taken to mitigate those concerns. He talked about the lease addendum which would restrict tenants to one car per unit. The project went through numerous study sessions and Planning Commission hearings as well as meetings with staff and the neighbors to get to the present design.

Anna Artiaga, the appellant, spoke on her reasons for appeal.

Kay Frech spoke in favor the project.

Jack Owen spoke in opposition to the project.

Norma Reider spoke in opposition to the project.

Jim May spoke in favor of the project.

C. Thomas Vogt spoke in opposition to the project.

Pedro Paez spoke in favor of the project.

Jeannie Barrett spoke in favor of the project.

Art Bauer, representing 61 Townhomes East II homeowners, spoke in opposition to the project.

Sue Erlich, Housing Authority, addressed the comments related to parking. To increase the number of parking spaces would require a reduction in units, making the project infeasible. Without a density bonus, 25 units would be allowed on the site, and the project only had 24 units.

Hearing no further testimony, Mayor Lavagnino closed the Public Hearing.

Councilmember Trujillo commented that this was a tough decision because the Council had to listen to the people who live in the area and balance that with the need for low income housing.

Councilmember Orach commented that Santa Maria had Section 8 housing units all over the City. Most of them are very nice people who take care of their homes. Fesler Junior High School and Armstrong Park are there. The City wants people using Armstrong Park, as it is a public park. The Council has been involved in other infill projects, and it always comes down to "not in my backyard." The Housing Authority has researched this and has had a lot of meetings with the neighbors to address concerns and answer questions. This will benefit the affordable housing requirement the City is faced with. People tend to speed all over town; and unless the City had 1,000 police officers, that would probably continue.

Councilmember Patino asked what size the parking stalls would be.

Planner III Shipsey explained the stalls would be a standard size of 9 feet by 19 feet with a 2 foot overhang.

Councilmember Patino asked how many years a person had to live in the community to qualify to live in one of these units.

Mr. Polanskey explained what qualifications a family would have to meet. There are about 3,000 people on the waiting list who are already working or living in the Santa Maria housing area.

Councilmember Patino stated she had met with Anna Artiaga and Mrs. Whitterick and had been at the site several times. The project is good. The community center and play area in the middle for the children is good. Infill projects are very difficult. This project does not fit the site. The City needed low-income housing and affordable housing, but she had concerns about safety for children and the high density.

Councilmember Mariscal asked if the Housing Authority had the ability to limit the number of people living in the units?

Mr. Polanskey replied they had a lot of single-parent households. In a typical two-bedroom unit, there would be two or three individuals including the children. In a three-bedroom unit, there would be three or four individuals. In a four-bedroom unit, it would be four or five individuals. Because these are income qualified units, every individual living in the unit has to be on the lease and has to go through income qualification. One of the highest frequency of breaches to the lease agreements is unauthorized household members. Those households would be subject to eviction.

Councilmember Mariscal asked if the City had a mechanism to limit the number of people who lived in a unit if this was a market-rate, private developer project?

Planner III Shipsey replied the only mechanism the City had was the recently adopted boarding house provisions, and that would depend on how the units were occupied. In a typical apartment setting, the boarding house provisions would not apply.

Councilmember Mariscal commented that the only thing that limited the number of people that can live in a residential unit is the Uniform Building Code which said that for every 75 square feet of living space, one individual can be there. An 800 square foot unit could have nine people living there. There would be nothing the City or neighbors could do about it. The Housing Authority has the ability to limit the number of people living in the units, and there were compelling reasons for those people to comply with those rules. The applicant has worked with staff, the neighbors, and the Planning Commission to address concerns. It is one of the infill projects specified in the City's Housing Element. It is close to transportation corridors, close to schools, and close to shopping. Those were the elements identified in the Housing Element for higher density developments.

Mayor Lavagnino stated he had been to the site several times, and it did seem very small. He asked if the Council could refer the project back to the Planning Commission with direction that the R-3 zoning was too dense for this particular piece of property.

Director of Community Development Lindsey explained this was a Planned Development Permit which was a function of design, density and incentives. This came to Council with unanimous support from the Planning Commission. Any suggestion of reducing the density would have to be coupled with direction on incentives. It is staff's understanding that this project was only marginally feasible, so any direction to reduce the density would probably effect the project.

Mayor Lavagnino stated infill projects were very difficult when the neighborhood didn't want it. He was not sure he could support this project.

Councilmember Patino moved to adopt Resolution No. 2005-47 granting the appeal and overturning the Planning Commission's approval. Mayor Lavagnino seconded the motion. The motion failed on the following vote:

AYES:	Councilmembers Patino and Mayor Lavagnino
NOES:	Councilmembers Mariscal, Orach, and Trujillo
ABSENT:	None
ABSTAIN:	None

Resolution No. 2005-47 was adopted denying the appeal and upholding the Planning Commission's approval on motion by Councilmember Orach, seconded by Councilmember Mariscal, and carried on the following vote:

AYES:	Councilmembers Mariscal, Orach, and Trujillo
NOES:	Councilmember Patino and Mayor Lavagnino
ABSENT:	None
ABSTAIN:	None

Resolution No. 2005-47 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION APPROVAL OF THE DENSITY BONUS CONCESSIONS WITHIN

THE PLANNED DEVELOPMENT PERMIT FOR THE TED ZENICH GARDENS PROJECT, PD-2004-017, LOCATED AT 1034 EAST CHAPEL STREET.

FIVE YEAR LOCAL PROGRAM OF PROJECTS

Director of Public Works Karp gave the staff report. In November 1989, the voters approved the Santa Barbara Improvement Program Ordinance and Expenditure Plan known as Measure D. This ballot measure authorized a transaction and use tax at a rate of one-half of one percent for a period not to exceed 20 years. The revenues received from this measure are to be used to improve transportation facilities and services. In compliance with the ordinance, the City of Santa Maria adopted a Five-Year Local Program of Projects funded by Measure D revenues which requires annual submittals. The Five-Year Local Program of Projects lists proposed projects that comply with the requirements of the Santa Barbara Local Transportation Authority ordinance. The Program of Projects for the current cycle allocates the funds to a category entitled "Street Maintenance and Various Improvements," including chip seals, overlays and reconstructions of street surfaces. This year's estimate of Measure D apportionment for the City of Santa Maria is $4,168,358.

Mayor Lavagnino asked Councilmember Mariscal to address the funding for the Santa Maria River Bridge project.

Councilmember Mariscal stated he knew the Senate had passed the funding bill, but did not know if the House had passed it. The federal government has a program called TEA that is set up on three-year funding cycles. This one has been extended since 1999. The Senate voted to appropriate $40 million for the Santa Maria River Bridge project. As far as Measure D funding, these taxes do very good things. It is a half-cent sales tax that is allocated on a regional basis and to the local communities based on population. This funding has allowed the Santa Barbara County Association of Governments to leverage the Measure D monies into substantial sums of money. Every dollar collected under Measure D explodes into a greater sum of money.

Mayor Lavagnino opened the public hearing.

Ernest Armenta asked if Measure D would be a County-wide measure or be voted on City by City.

Councilmember Mariscal replied it would be a County-wide ballot measure.

Mr. Armenta asked if the City had a current study or plan for local roads if Measure D did not pass.

Director of Public Works Karp responded Measure D was over 50 percent of the money the City spent on roads. There would be a significantly lower level of maintenance in the City, but the City would continue to provide maintenance within whatever funding was available. The City does have a current plan to do maintenance that is required. That plan would keep the City streets in good condition for a long time. How the City funds that plan would be up to the City Council.

Mr. Armenta recommended the City start setting aside monies for road repair and maintenance in case Measure D is not passed by the voters in 2009. He asked how much of the Measure D funds for the City were being spent on promoting a future Measure D victory.

Mayor Lavagnino replied no money was being spent. He explained that what was going to sell this to the voters was the fact that 14 regional projects were promised to be completed with Measure D monies in 1989, and 13 of those 14 had already been completed.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.

Resolution No. 2005-48 was adopted on motion by Councilmember Orach, seconded by Councilmember Trujillo, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2005-48 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE MEASURE "D" FIVE-YEAR LOCAL PROGRAM OF PROJECTS FOR FISCAL YEARS 2005-06 TO 2009-10.

JAG GRANT

Police Chief Macagni gave the staff report. As part of the 2005 Omnibus Appropriations Package, Congress established the JAG program. The JAG program allows local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system. The JAG program blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) programs to provide agencies with the flexibility to prioritize and place justice funds where they are needed most. The Police Department has utilized previous allocations of LLEBG funds to pay for a major technology project. With these two funding sources now combined, the Police Department is requesting to utilize the 2005 JAG allocation to purchase a Centracom radio communications control center and the call-center hardware/software necessary to activate a sixth Computer Automated Dispatching (CAD) workstation.

Mayor Lavagnino opened the public hearing. Hearing no requests to speak, Mayor Lavagnino closed the public hearing.

Resolution No. 2005-49 was adopted on motion by Councilmember Trujillo, seconded by Councilmember Mariscal, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2005-49 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROPRIATING FUNDING UNDER THE 2005 EDWARD J. BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM.

INTERCOMMUNITY TRANSIT SERVICE

Transit Manager Rye gave the staff report. The Breeze is the new public transit operation that will provide fixed-route transit service between Lompoc and Santa Maria. The Breeze is anticipated to start service on May 2, 2005. The operations contract is for the provision of drivers, driver supervision and training, dispatching, insurance, and customer service for a three-year period. Three written proposals were submitted to the Intercommunity Transit Service Implementation Plan Technical Advisory Committee. After hearing presentations and interviewing the proposing contractors, the committee ranked the three proposers as follows: (1) MV Transportation; (2) American Star; and (3) SMOOTH, Inc. MV Transportation is the committee's unanimous recommendation for the operations contractor for The Breeze. The City received last week a 52-point request for records from American Star. Today the City received a 24-point request for records from them. The City Attorney's office is preparing a written response to those. Just this evening, American Star submitted a letter of protest, protesting the awarding of the bid.

Keith Whalen, MV Transportation, stated they were very happy to expand their role in the community. Starting on July 1, 2004, they started the management of SMAT. Since that time they have seen the on-time performance of the system raised by 6 percentage points, a 50 percent reduction in complaints, an all-time high in ridership; and they have received a number of compliments on the condition and cleanliness of the buses. He said they were very comfortable with their proposal for the new transit services and felt good about the process the City followed.

City Attorney Trujillo stated the regulations that govern this issue have very specific protest requirements. Based on the timing of the protest, it would be appropriate for the Council to go forward and award the contract. Pursuant to the bid protest procedures, this protest will be filed and processed. The protester is entitled to a hearing before a neutral panel selected by the City Manager. After that panel reviews the protest, there is a second layer of review where

the protester can request a reconsideration of the panel's review. There is no legal reason why the Council could not award the contract and let the protest proceed.

Jonathan Dotson, American Star, said they were the current contractor for the COLT system which is City of Lompoc Transit. They believe that their proposal offered very unique services that no other contractors, to their knowledge, would be able to provide to ensure the delivery of service required by the City. They were protesting on the grounds that a "best and final offer" was not given to either American Star or SMOOTH Transportation. Also, there is a large discrepancy in price which begs the question of "how is it that two companies that have operated in this area for some time came up with reasonably close bids, whereas MV Transportation came in at almost half the price."

Councilmember Mariscal read from the letter of protest and asked if American Star could guarantee the success of this program by guaranteeing at least a 20 percent fare box ratio.

Mr. Dotson stated they could not guarantee the fare box ratio because it was based on ridership. To the best of their abilities they provide a service that is better than their competitors. He said their position was that MV Transportation could not perform every aspect of the contract for the price in their proposal, but American Star could.

Councilmember Orach asked what the Request for Proposals (RFP) said related to "best and final offer."

City Engineer Sweet said the only place in the RFP that it talked about "best and final offer" was on the schedule. The RFP was 174 pages long and very complex. Often times there will be questions about interpretation of how a service is to be provided and how much that service is to cost. The "best and final offer" period is the time to sit down and talk about those discrepancies and figure out the best price to meld those two things together. In this case because the City had an operator who understood the City, there was not the need to have "best and final offer" negotiations.

Resolution No. 2005-50 was adopted on motion by Councilmember Mariscal, seconded by Councilmember Patino, and carried on the following vote:

AYES:	Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution No. 2005-50 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE SELECTION OF THE OPERATIONS CONTRACTOR FOR LOMPOC-VANDENBERG-SANTA MARIA INTERCOMMUNITY TRANSIT SERVICE (THE BREEZE).

REPORT BY CITY MANAGER

City Manager Ness reported on items for the April 5, 2005, City Council meeting including six proclamations, a public hearing to consider an ordinance making zoning code amendments, a presentation by Phyllis Rodenberger on the City's Centennial, and a presentation on the California First 5 program.

City Manager Ness announced that the parking lot construction for the new parking structure would begin on Monday. The parking lot in front of City Hall will be demolished so there would be no parking at City Hall. There would be parking in the main library parking lot for about two months. Then that parking lot would be demolished while the parking structure is constructed. For about eight months, parking around City Hall would be very limited. He apologized for the inconvenience and advised that parking would be available at the mall parking structure.

ORAL REPORTS OF COUNCILMEMBERS

Councilmember Trujillo rebutted comments made by a member of the audience that the Council should tell the President or the District Attorney what to do.

Councilmember Patino announced that she and Supervisor Gray had the opportunity to go with one of the Police Commanders to the Courthouse to see how things were being handled. The Police Officers were very alert, the logistics were good, and it was very interesting.

Councilmember Mariscal announced that he had the opportunity to moderate a town hall meeting in which Assemblyman Sam Blakeslee talked about the state budget. There were about 100 to 120 people in attendance.

Councilmember Mariscal also congratulated his wife, Marye, on passing her comps to receive her Masters degree.

Mayor Lavagnino announced that he was going to be interviewed by a reporter from the British Broadcasting Company (BBC) about Santa Maria.

CLOSED SESSION

City Attorney Trujillo announced that after the agenda was posted, staff learned that a deadline for deciding whether to participate in a lawsuit of interest to the City would occur on March 21, 2005, prior to the next City Council meeting. Therefore, there is an immediate need to meet in closed session to determine whether to initiate litigation in this matter pursuant to Government Code section 54956.9(c). The Brown Act generally requires that an item appear on the posted agenda before the City Council may discuss and act on it. However, the Council may discuss and act on an item if: there is a need for immediate action; and the need to take action came to the City's attention after the agenda was posted. If all five Councilmembers are present, four must agree that the need to act is immediate.

On motion by Councilmember Mariscal, seconded by Councilmember Trujillo, and carried on the following vote:

AYES:	Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

a determination was made that there is an immediate need to meet in closed session and a closed session item was added to the agenda regarding Initiation of Litigation pursuant to Government Code Section 54956.9(c).

The City Council adjourned to Closed Session at 10:07 p.m. for the following: Conference with Legal Counsel regarding existing litigation pursuant to Subsection (a) of Government Code Section 54956.9 to discuss Santa Maria Valley Water Conservation District v. City of Santa Maria; Conference with Real Property Negotiator pursuant to Subsection (b) of Government Code Section 54956.8 regarding APN 101-030-010, 101-030-013, 101-030-014, and 101-060-002; Conference with Labor Negotiator pursuant to Government Code Section 54957.6, Agency representative: Assistant City Manager, Employee organization: Santa Maria Firefighters Union, Local 2020; and Initiation of Litigation pursuant to Government Code Section 54956.9(c), 1 matter.

After the Closed Session, the following was announced:

Santa Maria Valley Water Conservation District v. City of Santa Maria – Status report. No reportable action.

Conference with Real Property Negotiator – Status report. Direction to staff.

Conference with Labor Negotiator re: Santa Maria Firefighters Union, Local 2020 – Status report. Direction to staff.

Initiation of Litigation – Status report. Direction to staff.

ADJOURNMENT

There being no further business to come before the City Council at this time, the meeting was declared adjourned at 10:45 p.m. by order of Mayor Lavagnino.

APPROVED April 5, 2005
Date

ATTEST: Patricia A. Adams
Chief Deputy City Clerk

Patricia A. Adams
Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

L. D. Jacquez
Mayor of the City of Santa Maria